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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William Crumley, P.E.
Regional Landfill Compliance Manager
BFI of Ponce, Inc.
8607 Roberts Drive Suite 100
Atlanta, Georgia 30350

Re: BFI Ponce, Inc.
Ponce Municipal Landfill, Ponce, Puerto Rico
RCRA Permit No.: PRD980594709

Dear Mr. Crumley:

The United States Environmental Protection Agency (EPA) Region II has received your class 2 permit modification request and determined that the modification request must follow the procedures in 40 CFR §270.42(c) for class 3 modifications instead of a Class 2 because of the complex nature of the change which requires the more extensive procedures of class 3. The proposed excavation and relocation of waste and the conversion of the excavated cell into a composite-lined landfill cell are best described by the following Class 3 modifications; 40 CFR § 270, Appendix I, Section J, Landfills and Unenclosed Waste Piles:

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
2. Replacement of a landfill
3. Addition or modification for a liner, leachate collection system, leachate detection system, run-off control, or final cover system.

Note that Appendix I, Modification D-1(e) which you referenced for the proposed class two modification request, although may apply, has a clause which says "unless otherwise specified in this appendix". Therefore, Appendix I, Modification J-1, J-2 and J-3 referenced above are clearly being overlooked.

The Post-Closure permit calls for BFI of Ponce Inc. to demonstrate that hazardous ingredients are not migrating to off-site groundwater. The modification of the permit would alter the groundwater monitoring process which requires the entire post closure permitting period to be completed before any conclusion can be drawn from the data.

SEP 5 0 1982

The sampling procedure should be modified to reiterate the fact that water samples shall be taken whenever groundwater is encountered in a borehole.

Again, as specified in previous correspondence, excavated materials to be relocated within the landfill could also violate land disposal restrictions (40 CFR § 268.8).

If you have any questions, please call Ernst Jabouin, of my staff, at (212) 264-8682.

Sincerely yours,

Andrew Bellina, P.E.
Chief, Hazardous Waste Facilities Branch

bcc: Andrew Bellina, 2AWM-HWF
Michael Poetzsch, 2AWM-HWF
Ernst Jabouin, 2AWM-HWF